

2. Alota Sand & Gravel, Inc. is a Wyoming Corporation. First Amended Complaint, paragraph 3; Answer of Depatco paragraph 1.

3. High Stone, Inc. is the sole manager of Depatco. Neither High Stone, Inc. nor Depatco have ever owned an interest in Alota Sand & Gravel, Inc.

ARGUMENT

Plaintiff's First Amended Complaint against Depatco is based upon a faulty premise -- that Depatco owned (purchased), Alota Sand & Gravel, Inc. or an interest in Alota Sand & Gravel, Inc. This premise is factually incorrect, and untrue; accordingly, there is no connection between the two corporations.

Plaintiff's First Amended Complaint against Depatco, should be dismissed with prejudice and Judgment entered in favor of this Defendant.

DATED this 28 day of February, 2020.

/s/ Cameron S. Walker, WSB #5-1451
SCHWARTZ, BON, WALKER & STUDER, LLC
141 South Center Street, Suite 500
Casper, WY 82601
Telephone – (307) 235-6681
Fax – (307) 234-5099
Email: cam@schwartzbon.com
Attorney for Defendant Depatco, Inc.

CERTIFICATE OF SERVICE

I certify that on the 28 day of February 2020, I electronically filed the foregoing **BRIEF OF DEPATCO, INC. IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** by the Court's CM/ECF system. Based on the records currently on file, the Clerk of Court will electronically transmit to counsel of record.

L. Cooper Overstreet #7-4996
Scott A. Homar #6-3092
Jeffrey M. Boldt #7-4730
Overstreet, Homar & Kuker
Attorneys-at-Law
508 East Eighteenth Street
Cheyenne, WY 82001
(307) 274-4444 – telephone
(307) 274-4443 – Fax
cooper@kukerlaw.com
scott@kukerlaw.com
jeffrey@kukerlaw.com

L. Kathleen Chaney
Eric D. Hevenor
Lambdin & Chaney LLP
4949 South Syracuse Street, Suite 600
Denver, CO 80237
(303) 799-8889
(303) 799-3700
kchaney@lclaw.net
chevenor@lclaw.net

/s/ Cameron S. Walker
SCHWARTZ, BON, WALKER & STUDER, LLC